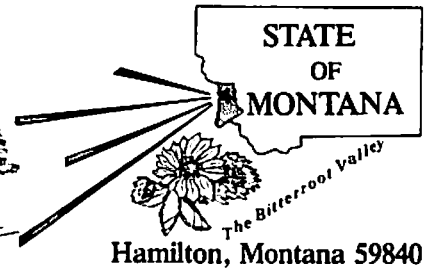
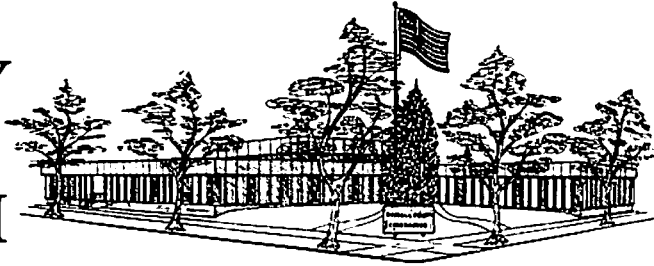


COUNTY OF RAVALLI



Mr. Dwane Kailey, PE
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

March 30, 2009

RE: Woodside Riprap Levee/Secondary Route 373

Dear Mr. Kailey:

*Beth when you
scan this
forward it to
Laura Hendrix.
TX
Granda*

We very much appreciate you attending to any potential threats to state Secondary Route 373 posed by the riprap levee system. However, in your letter you note that the "levee maintenance requirement was not specifically addressed in the county state agreement for highway maintenance." That is not our understanding.

We believe that when the state assumed responsibility for secondary highways such as Secondary Route 373, it necessarily included doing all the work required to maintain the highway. This could entail such work as repairing levees where state highways cross rivers.

We would certainly agree to allow you to use any county easement necessary to doing work on the levee if your department believes such is necessary.

If you wish to discuss the matter further we are happy to do so. However if you disagree with our position we would appreciate you telling us the legal basis for your opinion.

Sincerely,
BOARD OF RAVALLI COUNTY COMMISSIONERS

Absent
Carlotta Grandstaff, Chairman

[Signature]
Greg Chilcott, Member

[Signature]
J.R. Iman, Member

[Signature]
James E. Rokosch, Member

Absent
Kathleen Driscoll, Member

cc: Mr. Jim Lynch, Director, MDT
Mr. Doug Moeller, Missoula District Administrator, MDT
Mr. Mark Goodman, Hydraulics Engineer, MDT
Mr. Daniel Bargfrede
Mr. Paul Dannels